

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on July 15, 2004, the Examiner requested that the Information Disclosure Statement filed in June 2001 be resubmitted. Included herewith is a copy of the filed Information Disclosure Statement. In the Office Action, the Examiner also objected to the drawings under 37 C.F.R. §1.83(a), rejected claims 1 and 2 under 35 U.S.C. §112, first paragraph, rejected claim 2 under 35 U.S.C. §102(b) as being anticipated by Yokey et al (United States Patent No. 5,499,266, hereinafter “Yokey”), and rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Yokey. Accordingly, Applicants respectfully provide the following:

Objection under 37 C.F.R. §1.83(a)

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. §1.83(a). In particular, the Examiner indicated that the claimed “modulator/encoder, broadcasting, detecting, tracking and decoding in claim 1 and encoding in claim 2” must be shown or the feature(s) canceled from the claim(s). Applicants respectfully submit that the amendments provided herein overcome the objection made by the Examiner under 37 C.F.R. §1.83(a).

Rejection under 35 U.S.C. §112

In the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §112, first paragraph. In particular, the Examiner indicated that the claim(s) contain subject matter, which was not describe in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully submit that the amendments provided herein overcome the rejection made under 35 U.S.C. §112, first paragraph.

Rejections under 35 U.S.C. §102

In the Office Action, the Examiner rejected claim 2 under 35 U.S.C. §102(b) as being anticipated by Yokev. Applicants respectfully submit that the claim set as provided herein is not anticipated by the cited reference.

The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

“... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.”

Applicants respectfully submit that the cited reference do not teach every aspect of the amended claim set as provided herein and therefore does not anticipate the claims of the present invention. For example, claim 2 relates to a communications system having means for transmitting a digital signal as a spread spectrum frequency hopped signal, wherein the spread spectrum frequency hopped signal includes a header that identifies a frequency channel and a network identification; and means for receiving said spread spectrum frequency-hopped signal, wherein said means for receiving includes means for using the network identification to detect broadcast signals, and wherein said means for receiving further includes means for using the header to track the hopped signal upon detection of noise. Such limitations are supported by the present application as originally filed. For example, reference is made to pages 5 and 9 of the application as originally filed.

In contrast, Yokev teaches an acknowledgement paging system in which the remote paging unit responds to a request using frequency-hopped spread-spectrum differential bi-phase shift keying communications. A plurality of pagers are assigned to groups with each group being assigned a separate starting location in a common, repeating pseudo-random noise code which determines the frequency hops. The grouping of pagers minimizes the collisions of

acknowledgment transmissions between groups and enables a large number of paging units to operate within a single geographic area. The pagers include a special double loop PLL synthesizer to produce accurate narrow frequencies and hop frequencies in a rapid fashion. (See column 4, line 61 through column 5, line 6)

Applicants respectfully submit that Yokev does not teach or suggest a communications system having means for transmitting a digital signal as a spread spectrum frequency hopped signal, wherein the spread spectrum frequency hopped signal includes a header that identifies a frequency channel and a network identification; and means for receiving said spread spectrum frequency-hopped signal, wherein said means for receiving includes means for using the network identification to detect broadcast signals, and wherein said means for receiving further includes means for using the header to track the hopped signal upon detection of noise.

Further, Applicants respectfully submit that Yokev does not teach or suggest a method for digital data transmission comprising receiving a digital signal that is modulated for radio transmission, wherein the modulated signal includes a header having a channel identifier; demodulating the signal, wherein the demodulation comprises: filtering the signal; and determining that the signal is data if a pulse width of the signal is within an established width range. Applicants further submit that Yokev does not teach or suggest a limitation relating to determining that the signal is data if a pulse pattern of the signal corresponds to a pre-established pulse pattern. Such limitations were supported by the application as originally filed. For example, reference is made to Figure 2, the disclosure corresponding to Figure 2, and to pages 10-13 of the application as originally filed.

Since Yokey does not teach every aspect of the claims as provided herein, Applicants respectfully submit that Yokey does not anticipate nor make obvious the claims as provided herein.

Thus, Applicants respectfully submit that for at least the reasons provided herein, the current claim set overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 15 day of November, 2004.

Respectfully submitted,



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